

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

**Return Date: August 25, 2022**

**Time: 1:00 P.M.**

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In re:

Chapter 13

Case No.: 22-71480-845

FRED F. COGLIETTA  
*dba Fred Coglietta Inc*

Debtor(s)

**NOTICE OF MOTION**

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SIRS / MADAMS

**PLEASE TAKE NOTICE**, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Louis A. Scarcella, United States Bankruptcy Judge on the 25th, day of AUGUST, 2022 at 1:00 P.M., for an Order pursuant to 11 U.S.C. §§521 & 1307(c), dismissing this case by reason of the debtor(s)' failure to submit monthly pre-confirmation payments, failure to provide and/or file documents, failure to appear, and/or, be examined at §341 meeting of creditors, and for such other and further relief as this Court deems just and proper.

**PLEASE TAKE NOTICE**, that the hearing shall not be held in person but shall be held telephonically or by video. Those intending to appear at the hearing must register with eCourt Appearances no later than two (2) days prior to the hearing. The phone number or video link for the hearing will be emailed to those that register with eCourt Appearances in advance of the hearing. Instructions for registering with eCourt Appearances can be found at <https://www.nyeb.uscourts.gov/node/2126>. If you do not have internet access or are otherwise unable to register with eCourt Appearances, you may call or email Judge Louis A. Scarcella's courtroom deputy for instructions at (631) 712-6278, [las\\_hearings@nyeb.uscourts.gov](mailto:las_hearings@nyeb.uscourts.gov).

**PLEASE TAKE NOTICE**, that the hearing on the Motion may be adjourned without notice other than announcement in open Court.

**PLEASE TAKE FURTHER NOTICE**, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than three (3) days prior to the return date of this motion.

Dated: Islandia, New York  
July 27, 2022

Yours, etc.

MICHAEL J. MACCO  
Chapter 13 Trustee  
2950 Express Drive South, Suite 109  
Islandia, New York 11749  
(631) 549-7900

To: *Office of the United States Trustee*  
*FRED F. COGLIETTA, Pro-Se Debtor(s)*  
*All Interested Parties and Creditors*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

**tmm1634**

Chapter 13  
Case No.: 22-71480-845

FRED F. COGLIETTA  
*dba Fred Coglietta Inc*

Debtor(s)

**APPLICATION**

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TO THE HONORABLE LOUIS A. SCARCELLA, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee in the above captioned estate, respectfully represents as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on June 21, 2022, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. As of the date of this motion, the debtor(s) has failed to submit any monthly pre-confirmation payments to the Trustee.
3. In addition, as of this date the debtor(s) has failed to file and/or provide to the Trustee a Chapter 13 Plan; Statement of Financial Affairs; Statement of Current Monthly Income and Means Test; complete set of schedules; copies of pay statements from employer for sixty (60) day period preceding filing, within the fifteen (15) day period required under the Bankruptcy Code.
4. Furthermore, as of this date the debtor has failed to provide the Trustee with copies of previous year's State and Federal Tax Returns; all filings required under Section 521; and all mandatory disclosure documentation as set forth in Local Bankruptcy Rule 2003-1.
5. Moreover, the debtor failed to appear, and/or, be examined at the initial §341 meeting of creditors held on July 26, 2022 at 10:00 a.m.
6. This is a material default and is prejudicial to the rights of the creditors of the debtor(s).

**WHEREFORE**, the Trustee requests for an Order pursuant to the provisions of 11 U.S.C. §§521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York  
July 27, 2022

/s/ Michael J. Macco  
Michael J. Macco, Chapter 13 Trustee  
2950 Express Drive South, Suite 109  
Islandia, New York 11749  
(631) 549-7900

STATE OF NEW YORK     )  
COUNTY OF SUFFOLK    )     ss.:

IRYNA ILCHYSHYN, being duly sworn, deposes and says: deponent is not a party to this action, is over 18 years of age, and resides in Suffolk County, New York.

On July 27, 2022, deponent served the within:

**NOTICE OF MOTION AND APPLICATION**

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Fred F. Coglietta*  
*4 Northfield Lane*  
*St. James, NY 11780*  
*Pro Se Debtor(s)*

and upon the following parties, by the e-mail address designated by said parties for that purpose;  
*Office of the United States Trustee*  
*Alfonse M. D'Amato U.S. Courthouse*  
[USTPRegion02.LI.ECF@usdoj.gov](mailto:USTPRegion02.LI.ECF@usdoj.gov)

**/s/Iryna Ilchyshyn**  
IRYNA ILCHYSHYN

Sworn to before me this  
27<sup>TH</sup> day of JULY, 2022

**/s/ Janine M. Zarrilli**

NOTARY PUBLIC  
Janine M. Zarrilli  
Notary Public, State of New York  
No. 01ZA5084708  
Qualified in Nassau County  
Commission Expires October 14, 2025